JUN 2 2 2009

CLERK, U.S. DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION AT SANTA ANA DEPUTY

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

11 ALFREDO VILLA,

Petitioner,

v.

MICHAEL A. SMELOSKY, Warden,

Respondent.

Case No. CV 08-8170-DSF (MLG)

ORDER ACCEPTING AND ADOPTING FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the petition and all of the records and files and has conducted a de novo review of that portion of the Report and Recommendation of the United States Magistrate Judge to which objections were filed. The Court accepts and adopts the findings and recommendations in the Report and Recommendation and orders that judgment be entered denying the petition with prejudice.

Dated: 6/22/09

Dale S. Fischer

Dale S. Jescher

United States District Judge